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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/050,034

**Applicant(s)**

SIMAL, JAN

**Examiner**

Duc Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6-9, 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Swale et al (5,822,411).

Consider claims 1, 9. Swale teaches a system for providing call charge information in a telecommunication link between a calling subscriber (party A, fig. 3) and a called subscriber (party B, fig. 3), comprising a first terminal connected to a first local telecommunication exchange (party A connects to LEC A, fig. 3); and a second terminal connected to a second local telecommunication exchange (party B connects to LEC B, fig. 3), wherein call charges arising for the telecommunication link are determined in the first telecommunication exchange and corresponding call charge information is sent as message to the second telecommunication exchange such that the call charge information is configured for use in real time while the telecommunication link is in existence (col. 5, ln. 28 to col. 6, ln. 40; figs. 2-3).

Consider claims 6, 14. Swale further teaches the call charge information sent creates a call charge account for the called subscriber in real time (col. 5, ln. 65-67).

Consider claims 7, 15. Swale further teaches the call charge information sent determines a threshold value with respect to an upper limit for the call charges to be taken over by the called subscriber (fig. 3, col. 5, ln. 41 to col. 6, ln. 20).

Consider claims 8, 16. Swale further teaches the call charge information sent indicates the call charges on a display device of the second terminal, while the telecommunication link is in existence (col. 8, ln. 26-34).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swale et al (5,822,411) in view of Lampola (6,668,052).

Consider claims 2, 10. Swale teaches that the call charge information is sent to the second telecommunication exchange (column(s) 6, line(s) 40 to column(s) 7, line(s) 35).

However, Swale does not teach that the call charge information is sent to the second telecommunication exchange as APM ISUP message to utilize services and service attributes.

Lampola teaches the use of APM ISUP message in conjunction with call setup from the first exchange to the second exchange (col. 5, ln. 62 to col. 6, ln. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lampola into the teachings of Swale in order to provide a new type of method and system for signaling used for call setup that enable cooperation between different type of networks in a manner transparent to the user, so that the

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user will perceive it as consistent cooperation regardless of the system to which the terminal equipment is connected.

Consider claims 3, 11. Lampola further teaches the content of the APM ISUP message is determined by APPs (col. 5, ln. 62 to col. 6, ln. 7).

5. Claims 4-5, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swale et al (5,822,411) in view of Lampola (6,668,052) as applied to claims 1-3, 9-11 above, and further in view of Fabritius et al (6,345,182).

Consider claims 4-5, 12-13. Lampola further teaches the APPs comprise an application-independent part that includes information on the APM ISUP message (col. 5, ln. 62 to col. 6, ln. 7). However, Lampola does not teach that the APPs comprise an application-dependent part that includes information on call charge information.

Fabritius teaches the APPs comprise an application-dependent part that includes information on call charge information (col. 6, ln. 14-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Fabritius into the teachings of Swale in view of Lampola in order to provide method and system for the communication of tariff information from an external charge determination point to a mobile switching centre acting as charging point for a called mobile terminal, depending upon the classification of the call.

***Response to argument***

<p>Regarding the Swale reference, applicant states that there is no teaching or suggestion of the call charge information to the called party (B-party). There is also no teaching or disclosure that the call charge information determined in the telecommunication exchange assigned to the calling party (A-party) is sent to the telecommunication exchange assigned to the called party (B-party).</p>	<p>In contrast to applicant's assertions, Swale clearly teaches: Step 154, 156: exchange A responds to the acceptance by instructing exchange B to set up its own Call Detail Record for the call, naming party B as the calling party: <u>this signal [i.e., the instructing signal from exchange A] will contain the necessary number, charge band and timing details as exchange B will not previously have recorded such information.</u> Exchange B then reacts by creating the Call Detail Record in its own store 13. <u>(Alternatively, if the network is set up to permit an exchange to create charges for other exchanges, exchange A could set up the new record, as in the case of FIG. 2).</u> Exchange B only stores the CDR in its own storage 13. However, the charge band is sent from exchange A, as indicated in the cited portion above.</p>
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### *Conclusion*

6. This is a RCE of applicant's earlier Application No. 10/050,034. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period


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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (571)272-7503. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Duc Nguyen  
Primary Examiner  
Art Unit 2643

5/27/05